

Town of Lovettsville

Town Council Minutes of the August 24, 2017 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Zoldos called the regular meeting to order at 7:32 p.m. The meeting was held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Council Member James McIntyre
- Council Member Rob Gentile
- Council Member Mike Senate
- Vice Mayor Tiffaney Carder
- Council Member Kimberly Allar
- Council Member Nate Fontaine

Staff Present

- Town Clerk Harriet West
- Interim Town Manager Sam Finz
- Project Manager Karin Fellers
- Treasurer Lance Gladstone
- Zoning Administrator Joshua Bateman
- Customer Service/Administrative Specialist Lisa Mullen

Planning Commission Chairman Frank McDonough was in the audience.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were none.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Carder read the rules for public comment.

Elizabeth Barbee read a written statement (Attachment 1) regarding the property at 12745 Berlin Turnpike and the need for the Town to have an ordinance that clearly defines minimum standards for maintenance and upkeep for property located in the Town.

Chris Derrico spoke about speeding on S. Loudoun Street and asked the Council to petition VDOT (Virginia Department of Public Transportation) to conduct another traffic calming study.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Moats gave his report and said the main focus has been on back-to-school safety. He noted that VDOT would be the best option for creative solutions to deter traffic and speeding.

B. Lovettsville Volunteer Fire and Rescue Company

There was no report.

C. Lovettsville Community Center

There was no report.

D. Lovettsville Library

Vice Mayor Carder reported on the summer reading program, the solar eclipse event, and upcoming events.

Town Commission and Committee Reports

Planning Commission Chair McDonough reported on the recent Commission meetings to define non-residential uses in Town and upcoming work on the Town Square Master Plan.

Events Committee

Council Member McIntyre discussed scheduling the events retreat. Mr. Finz noted this was added to the agenda as a discussion item.

Love Summer – Council Member McIntyre reported on the movie/concert series.

Love Fall – Council Member McIntyre reported on the Oktoberfest budget, sponsorships, a new point-of-sale system, and additional support through volunteer groups. Mr. Finz noted that the Town's auditors will conduct a review of the Oktoberfest and MayFest finances again this year and that next year this will be done on a cost-sharing basis.

Love America – Mayor Zoldos reported on the 9-11 Ceremony.

Love Spring – Vice Mayor Carder reported on MayFest.

Love Winter – There was no report.

Business & Tourism Committee – Vice Mayor Carder said the Greater Brunswick Area Chamber of Commerce has asked her to be the Town's liaison and she noted planning for the Brunswick Business Expo is underway.

Parks & Beautification Committee – Council Member Senate reported on maintenance to the parks and the next meeting.

Infrastructure, Environment & Utilities Committee – Ms. Fellers reported on the recent meeting to discuss the S. Church Street renaming and well evaluation.

Information Flow Committee – There was no report.

Additions/Deletions/Modifications to the Agenda

The following item was added to the agenda:

- Speed Study Request for Loudoun Street

Minutes

A. November 3, 2016 Regular Meeting

Motion: I move to approve the minutes of the November 3, 2016 regular meeting.

By: McIntyre

Second: Senate

Aye: McIntyre, Gentile, Senate, Carder, and Allar

Nay: None

Abstain: Fontaine

Absent: None

B. November 6, 2016 Special Meeting

Motion: I move to accept the minutes of the Town Council November 6, 2016 special meeting.

By: McIntyre

Second: Allar

Aye: McIntyre, Gentile, Senate, Carder, and Allar
Nay: None
Abstain: Fontaine
Absent: None

C. November 17, 2016 Regular Meeting

Motion: I move to accept the minutes of the November 17, 2016 regular meeting.
By: McIntyre
Second: Senate
Aye: McIntyre, Gentile, Senate, and Carder
Nay: None
Abstain: Allar and Fontaine
Absent: None

D. December 8, 2016 Regular Meeting

Motion: I move to approve the minutes of the Town Council December 8, 2016 regular meeting.
By: Allar
Second: Gentile
Aye: Gentile, Senate, Carder, and Allar
Nay: None
Abstain: McIntyre and Fontaine
Absent: None

E. July 13, 2017 Regular Meeting

Motion: I move to accept the July 13 minutes as presented.
By: Senate
Second: Fontaine
Aye: McIntyre, Senate, Carder, Allar, and Fontaine
Nay: None
Abstain: Gentile
Absent: None

Staff Reports:

A. Report from the Town Engineer

Town Engineer Fellers provided a written report.

B. Report from the Planning/Zoning Administrator

Zoning Administrator Bateman provided written reports for June and July.

Financial Report

A. Financial Analysis by VML/VACo Financial Services and Approval of VML Financial Service Letter of Engagement

Steve Mulroy, Managing Director of VML/VACo Finance, gave a presentation on preparing for the quarterly financial reporting in FY18. Gladys Gomes, the CPA who is working with Town staff on internal accounting and reporting, was unable to attend the meeting.

Mr. Finz asked the Council to approve the VML Financial Services Letter of Engagement while Mr. Mulroy was present. There was no objection from the Council. Following discussion, Council Member Senate made the following motion:

Motion: I move to authorize the Interim Town Manager to move forward with the VML Financial Services Agreement to provide financial services to the Town in an amount not to exceed \$18,000 in FY18.
Second: McIntyre
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

Nay: None
Abstain: None
Absent: None

Town Manager Report

Mr. Finz presented his report which included updates on the buddy system he has implemented with staff, individual work plans for staff based on the Council's priorities, eliminating the backlog of Town Council and Planning Commission minutes, identification badges for staff, revisions to the CIP (Capital Improvement Plan), and restructuring of legal support services. Mr. Finz responded to questions from the Council. Mayor Zoldos explained he would contact the VML attorney to clarify requirements for minutes' preparation.

Action/Discussion Items:

A. LVZA 2017-0006: Amendment to Building Height in Residential Zoning Districts

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing on an amendment to the definition of *Height of building* in Section 42-2 of the Zoning Ordinance in order to make the method for calculating building height consistent across all zoning districts, and to increase the maximum permitted height of single-family detached dwellings to 35 feet in the residential zoning districts. Mr. Bateman responded to questions from the Council.

Mayor Zoldos opened the public hearing at 8:38 p.m. and called for comments from the public. Hearing none, he closed the public hearing at 8:38 p.m. Council Member Fontaine made the following motion:

Motion: I move to recommend approval of the enclosed amendment to the zoning ordinance (LVZA 2017-0006) in order to: (1) make the definition of *Height of building* in Section 42-2 match the current definition of *building height* in the Town Center District, Section 42-238(k)(5)(b.); and (2) increase the maximum permitted height of single-family dwellings in the CRA-1, R-1, R-2, R-3, T-C and PIDD districts to 35 feet.

Second: McIntyre
Aye: McIntyre, Gentile, Carder, Allar, and Fontaine
Nay: None
Abstain: None
Absent: None

B. Adoption of Approach to Town Code Enforcement

Zoning Administrator Bateman presented this item. The Council is being asked to adopt an approach for enforcing violations of Town Code. He noted the Town's limitation to enforce violations of the Town Code and said that he had been tasked with developing a set of administrative procedures explaining how the Town will pursue violations of the zoning ordinance, inoperable/abandoned vehicles, solid waste, and property maintenance. Following discussion, Council Member Fontaine made the following motion:

Motion: I move to implement the approach set forth in this memorandum in order to establish Town control over the enforcement of violations of the Town Code, including the drafting of relevant ordinances and procedures for future Town Council consideration, consistent with the method outlined herein.

Second: Carder
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine
Nay: None
Abstain: None
Absent: None

C. Scope of Services for Water & Sewer Master Plan

Project Manager Fellers reported on this item. The Council is being asked to approve a scope of services using the Town's engineer, CHA, to complete a water and sewer (W&S) Master Plan. Council Member Senate made the following motion:

Motion: I move that Town Council approve the selection of CHA and direct the Town Engineer to issue Notice to Proceed for the Water and Sewer Master Plan to provide services as described in the Water and Sewer Master Plan scope for a cost of \$38,000.

Second: Gentile

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

Nay: None

Abstain: None

Absent: None

D. Resolution to Request VDOT Acceptance of N. Church Street into the Secondary State Highway System

Ms. Fellers presented this item. The Council is being asked to adopt the attached resolution requesting the addition of the N. Church Street to the secondary state highway system for maintenance purposes. Following discussion, Council Member Senate made the following motion:

Motion: I move that Town Council adopt Resolution 2017-08-001 (Attachment 2) requesting VDOT acceptance of N. Church Street into the secondary state highway system for maintenance purposes and authorize the Town Manager to sign the necessary paperwork.

Second: McIntyre

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

Nay: None

Abstain: None

Absent: None

E. Request for Speed Study on Loudoun Street

Mayor Zoldos presented this item. He discussed the speed study VDOT conducted on S. Loudoun Street three years ago. He explained that VDOT and the County will be conducting a speed study at the intersection of East Broad Way, Milltown Road, and Lovettsville Road in September/October 2017 and he would like to Council to direct him to formally request that Loudoun Street be included in that study. Following discussion, Councilwoman Carder made the following motion:

Motion: I move that we direct the Mayor to contact VDOT to formally request that a speed study be done the length of S. Loudoun Street and Locust Street at the same time that the Broad Way, Milltown Road, and Lovettsville Road study is happening.

Second: McIntyre

Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

Nay: None

Abstain: None

Absent: None

Discussion Item:

A. Events Management

Mayor Zoldos presented this item which was requested by Vice Mayor Carder. The Council agreed to conduct a meeting on Thursday, August 31 at 6:30 p.m. to discuss the needs of the Town's larger events (Oktoberfest, MayFest, and Love Summer). Participants would include Council Member McIntyre, Vice Mayor Carder, Planning Commissioner Stephanie Wolf, Mr. Finz, Ms. West, and the Mayor.

Mr. Finz also provided an update on having a company assess the tree near the Town Hall parking lot to determine if it needs to be trimmed or taken down.

Information Items

Staff responded to questions from the Council regarding the following Information Items:

A. VML Insurance Coverage

Ms. West reviewed VML's recommendations for enhancements to the Town's policy, as well as best practices for volunteers and events. Following discussion, the Council asked staff to look into obtaining additional coverage for volunteers.

B. WWTP Contract Status Report

Mr. Finz noted they are making great progress and will be starting the one-year testing phase soon.

C. Street Light Easement for Town Ownership and Maintenance at Lovettsville Square

Ms. Fellers provide background on the Town ownership and maintenance of streetlights and noted that NVRetail has indicated they do not want to provide an easement for Lovettsville Square. Following discussion, Ms. Fellers indicated she would proceed with ordering the holiday ornaments.

D. County Administrator Response to Intersection Traffic Control (E. Broad Way, Lovettsville and Milltown Road)

Mr. Finz said that Town staff is still pursuing this.

LVZA 2017-0006: Amendment to Building Height in Residential Zoning Districts

It was noted that the motion for this item did not reference the enacting Ordinance. Following discussion, Vice Mayor Carder made the following motion:

Motion: I move to reconsider the motion on building height made by Nate Fontaine.
Second: Fontaine
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine
Nay: None
Abstain: None
Absent: None

Council Member Fontaine made the following motion:

Motion: I move to recommend the approval of Ordinance 2017-08-0001 (Attachment 3) to the zoning ordinance (LVZA 2017-0006) in order to: (1) make the definition of *Height of building* in Section 42-2 match the current definition of *building height* in the Town Center District, Section 42-238(k)(5)(b.); and (2) increase the maximum permitted height of single-family dwellings in the CRA-1, R-1, R-2, R-3, T-C and PIDD districts to 35 feet.
Second: Carder
Aye: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine
Nay: None
Abstain: None
Absent: None

Comments from the Mayor and Town Council

Vice Mayor Carder welcomed Nate to the Town Council.

Councilman Senate also welcomed Councilman Fontaine.

Councilman McIntyre also welcomed Nate and noted that Oktoberfest is in 29 days.

Mayor Zoldos reported on the COLT meeting, his meeting with Congressional candidate Lindsay Davis who was interested in learning about the Town, and his presentation about Lovettsville at Woodgrove High School.

Closed Session

There was no closed session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: September 14, 2017

Attachments:

1. Written Statement from Elizabeth Barbee
2. Resolution 2017-08-001
3. Ordinance 2017-08-0001

August 24, 2017

Good Evening,

My name is Elizabeth Barbee, and I live in the Heritage Highlands development at the southern end of town, on the corner of Lutheran Church Road and Route 287. In the middle of Heritage Highlands sits a four-plus-acre property known both as the "Storch Property" at 12745 Berlin Turnpike or as the 287 Joint Venture Property whose mailing address is 5101 Palisade Lane, NW, Washington, DC 20016-5337. Originally, when the concept for Heritage Highlands was conceived as an adult community, the inner property was to be an assisted living site, which has never occurred.

I live across the street from this piece of property, which presently contains a 1957 brick ranch house, a separate garage, a small area of land around the house that they do mow, and weeds galore on the rest of the property, a minimum of four feet high and rising! I don't believe that the remaining Storch property has been mowed by the owners in the almost eight years I've lived here. It sits a bare sixty feet from our houses that are adjacent to it. Our costly landscaping contract is all that lies between us and them.

I have seen snakes, BIG turtles, feral cats, and bigger cats which I would classify as some kind of coyote, if I really knew what a coyote actually looked like. And, then there is the tick problem, the never-ending trash problem and always, the possibility of a brush fire when the weather is hot and dry.

The Town of Lovettsville really needs to enact an ordinance that clearly defines minimum standards for maintenance and upkeep of property located in the town.

I understand that Lovettsville has been slowly transformed from a rural farming community into a suburban community, which has created problems in respect to care and upkeep of property.

A new ordinance would need to address certain basic standards for property

located within the town limits, which I will leave to the town to define.

Lennar, Heritage Highlands' developer, has talked to the Town and the residents of Heritage Highlands in the last few months about finishing out our development. How can we maintain our property values when prospective new home buyers are certain to be turned off by that blot on the landscape next to us?

With Lennar coming back in, we need your help now. The residents of Heritage Highlands have put a great deal of time and effort into the upkeep of their properties. We are a real asset to the town of Lovettsville.

To finalize, the Storch property is an eyesore, not just for those of us who live in Heritage Highlands, but for all that travel up and down Berlin Turnpike through Lovettsville.

I have attached photographs of the Storch property for your review.

Your help in this effort would be greatly appreciated.

Elizabeth V. Barbee
11 Harpers Mill Way
Lovettsville, VA 20180

540-822-9191



Town of Lovettsville

RESOLUTION 2017-08-001:

TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD NORTH CHURCH STREET FOR ADDITION TO SECONDARY SYSTEM MAINTENANCE UNDER SECTION 33.2-334, CODE OF VIRGINIA

MOTION: Senate
SECOND: McIntyre

WHEREAS, the Town of Lovettsville has authority pursuant to Section 33.2-334 of the Code of Virginia to request the addition of any new streets or highways into the secondary state highway system for maintenance if such streets or highways have been developed and constructed in accordance with the adopted Secondary Street Acceptance Requirements (SSAR) established by the Commonwealth Transportation Board; and

WHEREAS, on behalf of the owner, the Town of Lovettsville, is responsible for the provision of surety, maintenance fees, and administrative cost recovery fees required by the 2011 regulations for all mileage to be added to the secondary system and has pledged VDOT Resolution No. 2014-05-0001: VDOT Resolution in Lieu of Bond as a one-year maintenance bond with the Virginian Department of Transportation for any first-year maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, the Lovettsville Town Council requests the Virginia Department of Transportation add the street(s) described in the attached additions form AM-4.3 to the secondary system of state highways and accept the street for maintenance purposes, pursuant to Section 33.2-334 and Section 33.2-705 of the Code of Virginia and the Department's Secondary Street Acceptance Requirements (SSAR).

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Permits Manager for the Virginia Department of Transportation.

VOTE:

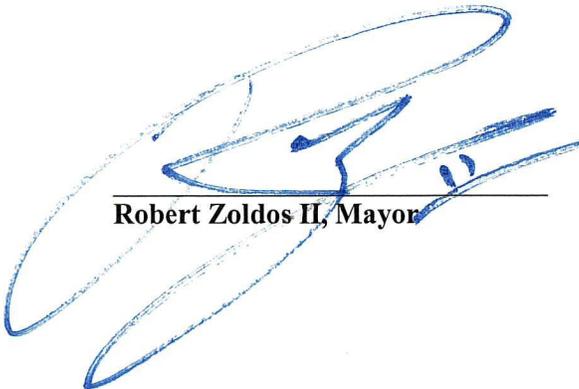
Ayes: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

Nays: None

Abstentions: None

Absent for Vote: None

ADOPTED: August 24, 2017


Robert Zoldos II, Mayor

CERTIFIED:


Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

ORDINANCE NO. 2017-08-0001

AMENDMENT TO SECTIONS 42-2 (DEFINITIONS), 42-233 (CRA-1 COMMERCIAL AND RESIDENTIAL DISTRICT), 42-234 (R-1 RESIDENTIAL DISTRICT), 42-235 (R-2 RESIDENTIAL DISTRICT), 42-236 (R-3 RESIDENTIAL DISTRICT), 42-238 (T-C TOWN CENTER PLANNED DEVELOPMENT DISTRICT), AND 42-239 (PIDD PLANNED INFILL DEVELOPMENT DISTRICT) AMENDING THE DEFINITION OF BUILDING HEIGHT AND MAXIMUM PERMITTED HEIGHT OF SINGLE-FAMILY DWELLINGS IN RESIDENTIAL ZONING DISTRICTS

MOTION: Fontaine
SECOND: Carder

WHEREAS, the amendment to the maximum height of buildings in the residential zoning districts was referred to the Planning Commission by the Town Council on March 26, 2017 upon acceptance of the Council of the Fiscal Year 2018 zoning amendments work plan; and

WHEREAS, on June 7, 2017, the Planning Commission initiated an amendment to Article I, Section 42-2 (Definitions) in order to make the method for calculating building height consistent across all zoning districts; and

WHEREAS, the Planning Commission on July 5, 2017, after giving public notice in accordance with Section 42-34 of the Zoning Ordinance and §15.2-2204 of the Code of Virginia, conducted a public hearing on Case No. LVZA 2017-0006 and subsequently voted to recommend approval of the amendment to the Town Council, including an amendment increasing the maximum permitted height of single-family residential dwellings in the CRA-1 Commercial and Residential District (Section 42-233), R-1 Residential District (Section 42-234), R-2 Residential District (Section 42-235), R-3 Residential District (Section 42-236); T-C Town Center Planned Development District (Section 42-238), and PIDD Planned Infill Development District (Section 42-239) to 35 feet; and

WHEREAS, the Town Council conducted a public hearing on Case No. LVZA 2017-0006 on August 24, 2017, such public hearing having been duly advertised as required by Section 42-34 of the Zoning Ordinance and §15.2-2204 of the Code of Virginia; and

WHEREAS, the Town Council has determined that adoption of the ordinance will promote the health, safety and welfare of the citizens of the Town and is consistent with good zoning practices generally.

NOW, THEREFORE, BE IT ORDAINED that Chapter 42, Zoning, of the Code of the Town of Lovettsville be amended as set forth in the attachment hereto.

BE IT FURTHER ORDAINED that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings, grammatical errors or misspellings found in the said attachment without further action by the Council.

VOTE:

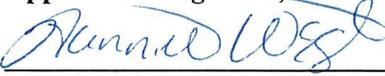
Ayes: McIntyre, Gentile, Senate, Carder, Allar, and Fontaine

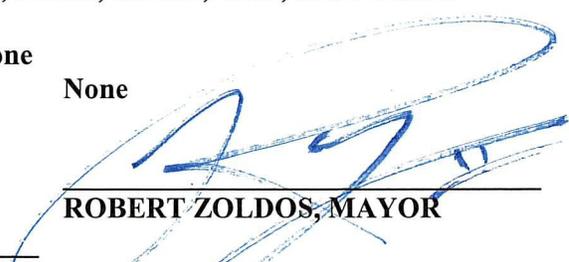
Nays: None

Abstentions: None

Absent for Vote: None

Approved: August 24, 2017


HARRIET WEST, TOWN CLERK


ROBERT ZOLDOS, MAYOR

The German Settlement

Sec. 42-2. Definitions and rules of construction.

(a) *Rules of construction.* The following rules of construction apply to this chapter:

- (1) Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation at which the distance is specified.
- (2) The term "building" includes the term "structures."
- (3) The term "lot" includes the terms "plot" and "parcel."
- (4) The term "used" shall be deemed also to include the term "erected," "reconstructed," "altered," "placed" or "moved."
- (5) The terms "land use" and "use of land" shall be deemed also to include the terms "building use" and "use of building."

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Height of building. In all zoning districts, the building height shall be calculated as the vertical distance measured from the average elevation of the finished grade adjoining the building at the front wall only to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between the highest eaves and the highest ridge of gambrel, hip and gable roofs.

Sec. 42-233. CRA-1 Commercial and Residential Annexation District.

(d) *Lot requirements.*

- (1) Size: 12,000 square feet minimum, exclusive of floodplain and wetlands.
- (2) Width: The minimum lot width measured at the front setback line shall be 80 feet.
- (3) Front yard: Main structures shall be located not less than 25 feet nor more than 40 feet from any street right-of-way, provided that the maximum setback requirement shall not apply to fire, rescue and police stations. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for each main structure shall be 25 feet, with a minimum setback of ten feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (6) Modifications of required yards: Building restriction lines, setbacks and yard requirements may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and maximum lot yield or maximum residential density shall not be modified by this provision.
- (7) Length/width ratio: 3.0:1 maximum.

- (8) Minimum open space area: A minimum of 45 percent of the site area shall be provided in open space. For the purpose of calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplains, slopes greater than 25 percent and wetlands. Additional open space shall be provided in a sufficient amount that the maximum lot yield or maximum residential density is not exceeded based on the overall area of the parcel(s) to be subdivided or developed, excluding floodplains, public roads dedications and private access and alleyway easements, slopes greater than 25 percent and jurisdictional wetlands. Open space shall be preserved by means of a permanent open space easement or similar legal instrument acceptable to the town council.
- (9) Lot coverage: Lot coverage by all buildings on a lot shall not exceed 30 percent of the total lot area.
- (10) Building height: 35 feet maximum for all main buildings and structures, including buildings and structures accessory thereto. No accessory structure shall exceed the height of the principal structure.
- (11) Maximum lot yield: For any residential subdivision or development involving the construction of single-family detached dwellings, the maximum lot yield within the CRA-1 District shall be one (1) dwelling unit per five (5) acres.

Sec. 42-234. R-1 Residential District.

(d) Lot requirements.

- (1) Size: 8,000 square feet, minimum, exclusive of floodplain and wetlands.
- (2) Width: The minimum lot width measured at the front setback line shall be 60 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 20 feet, with a minimum side setback of eight feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 35 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes greater than 25 percent and wetlands.

- (9) Lot coverage: The lot coverage by all buildings on a lot shall not exceed 35 percent of the total lot area.
- (10) Modification of minimum lot size, width and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density shall not be modified by this provision.

Sec. 42-235. R-2 Residential District.

(d) *Lot requirements.*

- (1) Size: 7,000 square feet, minimum, exclusive of floodplain.
- (2) Width: The minimum lot width measured at the front setback line shall be 56 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 20 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, steep slopes and wetlands.
- (9) Lot coverage: Lot coverage by all buildings on a lot shall not exceed 40 percent of the total lot area.
- (10) Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density shall not be modified by this provision.

Sec. 42-235. R-3 Residential District.

(d) *Lot requirements.*

- (1) Size: 6,000 square feet, minimum, exclusive of floodplain and wetlands.

- (2) Width: The minimum lot width measured at the front setback line shall be 50 feet.
- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
- (8) Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes in excess of 25 percent and wetlands.
- (9) Lot coverage: The lot coverage by all buildings on a lot shall not exceed 45 percent of the total lot area.
- (10) Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density may not be modified by this provision.

Sec. 42-238. T-C Town Center Planned Development District.

(k) *Lot requirements.*

(5) *Building requirements.*

- a. *Lot coverage.* No requirement within the town center core. Lot coverage within the town center residential area shall not exceed 40 percent of the total lot area. Lot coverage within the town center fringe area shall not exceed 50 percent of the lot area.
- b. *Building height.* Nonresidential buildings may be erected up to 35 feet in height from grade. Residential buildings may be erected up to 35 feet in height from grade except that no accessory structure shall be more than 15 feet in height without a conditional use permit.
- c. *Architectural design.* Building materials and architectural scales are encouraged to be based on historical examples in the town. German architectural design elements are encouraged.

- d. *Maximum building size by right, town center core area.* Except for governmental or other public uses, no building within the town center core shall exceed 6,500 square feet in footprint area unless permitted under subsection (k)(5)f of this section. Governmental or other public uses in the town center core may be established in a building of up to 7,500 square feet or greater with a conditional use permit pursuant to subsection (k)(5)f of this section.
- e. *Maximum building size by right, town center fringe area.* No building within the town center fringe shall exceed 7,500 square feet in footprint area except as permitted under subsection (k)(5)g of this section.
- f. *Maximum building size with a conditional use permit, town center core area.* Buildings with a footprint greater than 7,500 square feet for governmental or other public uses or 6,500 square feet for all other permitted uses. Building footprint shall not exceed 18,500 square feet for any use in the town center core.
- g. *Maximum building size with a conditional use permit, town center fringe area.* Buildings with a footprint area greater than 7,500 square feet and not more than 9,000 square feet.

Sec. 42-239. PIDD Planned Infill Development District.

(j) *Building requirements generally.*

- (1) *Lot coverage.* The lot coverage by all buildings on a lot shall not exceed 45 percent of the total lot area.
- (2) *Building height.* 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures, provided that no accessory structure shall exceed 15 feet in height except as approved by conditional use permit.